

J5GAAKOUF Jury Trial
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

v.

17 CR 417 (AKH)

ALI KOURANI,

Jury Trial

Defendant.

-----x

New York, N.Y.
May 16, 2019
2:30 a.m.

Before:

HON. ALVIN K. HELLERSTEIN

District Judge

APPEARANCES

GEOFFREY S. BERMAN

Interim United States Attorney for the
Southern District of New York

AMANDA L. HOULE

EMIL J. BOVE III

Assistant United States Attorneys

ALEXEI SCHACHT

Attorney for Defendant

ALSO PRESENT: KERI SHANNON, Special Agent FBI
MARGARET SHIELDS, Paralegal, US Attorney's Office

1 (Trial resumed; jury not present)

2 THE COURT: We received a note which we've marked as
3 Court Exhibit 6, which we've given counsel. The first question
4 led by this introduction as follows:

5 The jury would like further clarification of the law
6 and charges for Counts Number Four and Number Five.

7 For Number Four, would the defendant need to know he
8 would be trained before the start of the training?

9 Number Five, would carrying a machine gun in Lebanon
10 by a U.S. citizen be a violation of U.S. Firearms Law if it was
11 for the purpose of committing the offenses in any of the Counts
12 One, Two, Three or Four?

13 The jury would like a copy of the timeline summary
14 discussed in Ms. Shields' testimony. We think it may be
15 Exhibit 911, but we're not sure.

16 I have 911. Is it all right to give that to the jury?

17 MS. HOULE: Yes, your Honor.

18 MR. SCHACHT: Yes, your Honor.

19 THE COURT: As to the Question Number Four, Would the
20 defendant need to know he would be trained before the start of
21 the training?

22 Does counsel have agreement on that?

23 MS. HOULE: The parties agree that the answer to that
24 question is "no".

25 THE COURT: "No"?

1 MS. HOULE: Correct.

2 THE COURT: So, I want to raise something. How do you
3 conspire to receive military training if before the start of
4 the training there's no knowledge?

5 MS. HOULE: Your Honor, the defendant wouldn't need to
6 have known in advance of the training once he arrived at
7 training and agreed to receive it and continued to receive it
8 throughout the duration of training.

9 THE COURT: So, if he agreed to receive it before he
10 started actually receiving it, agree.

11 What happens if they just took off the blindfold and
12 he is on the training field?

13 MS. HOULE: There's no suggestion on the record, your
14 Honor, that that training was done by force. The defendant
15 participated in training willingly.

16 THE COURT: No record of resistance.

17 OK. Do I need to elaborate or just answer the
18 question "no"?

19 MR. SCHACHT: I'm just re-reading the indictment, your
20 Honor. If I may have a moment?

21 THE COURT: You may.

22 MS. HOULE: We believe, your Honor --

23 THE COURT: Well, wait, Ms. Houle. Mr. Schacht wants a
24 moment.

25 (Pause)

1 MR. SCHACHT: Yes, your Honor, I agree with the
2 government that the answer is "no", except that really doesn't
3 fully really answer the question though because he still has to
4 conspire at some point.

5 THE COURT: I am going to say something like that.

6 The next question:

7 Would carrying a machine gun in Lebanon by a U.S.
8 citizen be a violation of U.S. Firearms Law if it was for the
9 purpose of committing the offenses in Counts One, Two, Three
10 and Four?

11 MR. SCHACHT: I think the answer is, as long as all of
12 the elements of the charge are met, the answer is "yes".

13 THE COURT: All right. I agree, and of course, the
14 government agrees.

15 MS. HOULE: Yes, your Honor, we agree that the answer
16 is "yes".

17 THE COURT: OK. Let's call in the jury.

18 MS. HOULE: Your Honor, sorry. If we may, in terms of
19 additional clarification that you are going to give as to the
20 first question --

21 THE COURT: I'm going to say that participation in a
22 conspiracy requires knowledge and intent. Now, that knowledge
23 and intent can be formed an instant before the conspiratorial
24 acts but there must be some aspect of knowledge and intent.

25 MS. HOULE: I guess what we're just thinking, your

1 Honor, is it can be formed during the course of the conspiracy.
2 So, the conspiracy could have formed and then you could join
3 it.

4 THE COURT: That's true also, yes. Perhaps, the best
5 thing to do is say "no".

6 MS. HOULE: We think so, your Honor.

7 THE COURT: OK. And I think Mr. Schact agrees.

8 All right. Let's call in the jury.

9 (Jury present)

10 THE COURT: Members of the jury, I am required to read
11 to you the notes you gave to me. The first note which we got
12 last night was that Juror No. 2 will be the foreperson, Juror
13 No. 41.

14 Congratulations.

15 The note we just received, it doesn't have a date or a
16 time on it.

17 THE JUROR: Sorry. It would have been 1:30 today,
18 both of those notes.

19 THE COURT: All right. With your permission, I'll add
20 that.

21 THE JUROR: The longer note is the first one.

22 THE COURT: Yes. It reads as follows:

23 The jury would like further clarification of the law
24 and the charges for Counts Number Four and Number Five.

25 For Number Four, would the defendant need to know he

1 would be trained before the start of the training?

2 The simple answer is "no". And I'll come back to it.

3 For Number Five, would carrying a machine gun in
4 Lebanon by a U.S. citizen be a violation of U.S. Firearms Law
5 if it was for the purpose of committing the offenses in any of
6 Counts One, Two, Three or Four?

7 The answer is "yes".

8 The jury would like a copy of the timeline summary
9 discussed in Ms. Shields' testimony. We think it may be
10 Exhibit 911 but we are not sure.

11 It is 911. Ms. Jones will give it to the foreperson.

12 (Pause)

13 THE COURT: Is there any further question the jury
14 has?

15 COURTROOM DEPUTY: So just to be clear, on the one
16 related, answer related to Count Number Four, when we asked if
17 it was necessary to know the training was going to happen
18 before the training started, that's specifically with regard to
19 a conspiracy --

20 THE COURT: Yes. A conspiracy requires knowledge and
21 intent. Knowledge and intent can be formed a moment before the
22 training begins or even if there's an agreement to conduct
23 training while the training is going on before the conspiracy
24 ends or before the conspirator terminates the conspiracy. So,
25 there can be a knowledge and intention formed a moment before

1 and even during, as long as there is still a conspiracy.

2 COURTROOM DEPUTY: Thank you, your Honor.

3 THE COURT: Thank you. You may continue to
4 deliberate.

5 (Jury not present)

6 THE COURT: Any objection?

7 MS. HOULE: Not from the government, your Honor.

8 MR. SCHACHT: No. Thank you, your Honor.

9 THE COURT: Thank you, folks.

10 (Jury deliberations resumed at 2:45 p.m.)

11 THE COURT: We'll recess again until the jury calls.

12 (Recess pending verdict)

13 THE COURT: So, we have a note. It's not dated. I'm
14 going to say it's today. The jury has reached verdicts on all
15 counts. Number 41.

16 it'll be marked Court Exhibit Eight and we'll bring in
17 the jury; yes, no?

18 MR. SCHACHT: Yes, judge, I agree.

19 (Jury present)

20 THE COURT: Be seated, everyone.

21 Ms. Jones, would you take attendance, please.

22 COURTROOM DEPUTY: All jurors, answer present when
23 your number is called.

24 Juror No. 37.

25 THE JUROR: Present.

1 COURTROOM DEPUTY: 41.

2 THE JUROR: Present.

3 COURTROOM DEPUTY: 35.

4 THE JUROR: Present.

5 COURTROOM DEPUTY: 49.

6 THE JUROR: Present.

7 COURTROOM DEPUTY: 70.

8 THE JUROR: Present.

9 COURTROOM DEPUTY: Four.

10 THE JUROR: Present.

11 COURTROOM DEPUTY: 51.

12 THE JUROR: Present.

13 COURTROOM DEPUTY: 17.

14 THE JUROR: Present.

15 COURTROOM DEPUTY: 62.

16 THE JUROR: Present.

17 COURTROOM DEPUTY: 30.

18 THE JUROR: Present.

19 COURTROOM DEPUTY: 50.

20 THE JUROR: Present.

21 COURTROOM DEPUTY: 40.

22 THE JUROR: Present.

23 THE COURT: All jurors are present.

24 I have a note, 5/16/2019. What is the time?

25 FOREPERSON: It was 30 minutes ago, four o'clock. I'm

1 sorry. Three o'clock.

2 THE COURT: I'll add "three o'clock".

3 It reads:

4 The jury has reached a verdict on all counts. Signed,
5 Number 41.

6 Mr. Foreperson, would you kindly give the verdict to
7 Ms. Jones.

8 (Pause)

9 THE COURT: Please return the verdict form to the
10 foreperson.

11 (Pause)

12 COURTROOM DEPUTY: Would the foreperson please rise.

13 Count One.

14 Provision of material support or resources to
15 Hezbollah; how do you find the defendant?

16 THE JUROR: Guilty.

17 COURTROOM DEPUTY: Count Two.

18 Conspiracy to provide material support or resources to
19 Hezbollah; how do you find the defendant?

20 THE JUROR: Guilty.

21 COURTROOM DEPUTY: Count Three.

22 Receipt of military type training from Hezbollah; how
23 do you find defendant?

24 THE JUROR: Guilty.

25 COURTROOM DEPUTY: Count Four.

1 Conspiracy to receive military type training from
2 Hezbollah; how do you find the defendant?

3 THE JUROR: Guilty.

4 COURTROOM DEPUTY: Count Five.

5 Machine gun or destructive device conspiracy; how do
6 you find the defendant?

7 THE JUROR: Guilty.

8 COURTROOM DEPUTY: First Special Interrogatory on
9 Count Five.

10 Did your finding under Count Five involve a machine
11 gun?

12 THE JUROR: Yes.

13 COURTROOM DEPUTY: Second Special Interrogatory on
14 Count Five.

15 Did your finding under Count Five involve a
16 destructive device?

17 THE JUROR: Yes.

18 COURTROOM DEPUTY: Count Six.

19 Making or receiving a contribution of funds, goods or
20 services to Hezbollah; how do you find the defendant?

21 THE JUROR: Guilty.

22 COURTROOM DEPUTY: Count Seven.

23 Conspiracy to make or receive a contribution of funds,
24 goods or services to Hezbollah; how do you find the defendant?

25 THE JUROR: Guilty.

1 COURTROOM DEPUTY: Count Eight.

2 Naturalization fraud; how do you find the defendant?

3 THE JUROR: Guilty.

4 COURTROOM DEPUTY: Special Interrogatory on Count
5 Eight.

6 Was Count Eight committed to facilitate an act of
7 international terrorism?

8 THE JUROR: Yes.

9 THE COURT: Ms. Jones, will you take the verdict form
10 from the foreperson and exhibit it to counsel.

11 (Pause)

12 THE COURT: Does either side wish the jury to be
13 polled?

14 MR. SCHACHT: Yes, your Honor.

15 COURTROOM DEPUTY: Count One.

16 Provision of material support or resources to
17 Hezbollah; Juror No. 37, is that your verdict?

18 THE JUROR: Yes.

19 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

20 THE JUROR: Yes.

21 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

22 THE JUROR: Yes.

23 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

24 THE JUROR: Yes.

25 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

1 THE JUROR: Yes.

2 COURTROOM DEPUTY: Juror No. Four, is that your
3 verdict?

4 THE JUROR: Yes.

5 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

6 THE JUROR: Yes.

7 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

8 THE JUROR: Yes.

9 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

10 THE JUROR: Yes.

11 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

12 THE JUROR: Yes.

13 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

14 THE JUROR: Yes.

15 COURTROOM DEPUTY: Juror Nor. 40, is that your

16 verdict?

17 THE JUROR: Yes.

18 Count Two.

19 Conspiracy to provide material support or resource to
20 Hezbollah; how do you find the defendant? Guilty.

21 Juror No. 37, is that your verdict?

22 THE JUROR: Yes.

23 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

24 THE JUROR: Yes.

25 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

1 THE JUROR: Yes.

2 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

3 THE JUROR: Yes.

4 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

5 THE JUROR: Yes.

6 COURTROOM DEPUTY: Juror No. Four, is that your

7 verdict?

8 THE JUROR: Yes.

9 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

10 THE JUROR: Yes.

11 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

12 THE JUROR: Yes.

13 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

14 THE JUROR: Yes.

15 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

16 THE JUROR: Yes.

17 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

18 THE JUROR: Yes.

19 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

20 THE JUROR: Yes.

21 COURTROOM DEPUTY: Count Three.

22 Receipt of military type training from Hezbollah; how
23 do you find the defendant? Guilty.

24 Juror No. 30, is that your verdict?

25 THE JUROR: Yes.

1 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

2 THE JUROR: Yes.

3 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

4 THE JUROR: Yes.

5 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

6 THE JUROR: Yes.

7 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

8 THE JUROR: Yes.

9 COURTROOM DEPUTY: Juror No. Four, is that your
10 verdict?

11 THE JUROR: Yes.

12 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

13 THE JUROR: Yes.

14 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

15 THE JUROR: Yes.

16 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

17 THE JUROR: Yes.

18 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

19 THE JUROR: Yes.

20 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

21 THE JUROR: Yes.

22 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

23 THE JUROR: Yes.

24 COURTROOM DEPUTY: Count Four.

25 Conspiracy to receive military type training from

1 Hezbollah; how do you find the defendant? Guilty.

2 Juror No. 37, is that your verdict?

3 THE JUROR: Yes.

4 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

5 THE JUROR: Yes.

6 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

7 THE JUROR: Yes.

8 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

9 THE JUROR: Yes.

10 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

11 THE JUROR: Yes.

12 COURTROOM DEPUTY: Juror No. Four, is that your
13 verdict?

14 THE JUROR: Yes.

15 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

16 THE JUROR: Yes.

17 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

18 THE JUROR: Yes.

19 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

20 THE JUROR: Yes.

21 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

22 THE JUROR: Yes.

23 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

24 THE JUROR: Yes.

25 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

1 THE JUROR: Yes.

2 COURTROOM DEPUTY: Count Five.

3 Machine gun or destructive device conspiracy; how do
4 you find the defendant? Guilty

5 Juror No. 37, is that your verdict?

6 THE JUROR: Yes.

7 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

8 THE JUROR: Yes.

9 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

10 THE JUROR: Yes.

11 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

12 THE JUROR: Yes.

13 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

14 THE JUROR: Yes.

15 COURTROOM DEPUTY: Juror No. Four, is that your

16 verdict?

17 THE JUROR: Yes.

18 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

19 THE JUROR: Yes.

20 COURTROOM DEPUTY: Juror Nor. 17, is that your

21 verdict?

22 THE JUROR: Yes.

23 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

24 THE JUROR: Yes.

25 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

1 THE JUROR: Yes.

2 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

3 THE JUROR: Yes.

4 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

5 THE JUROR: Yes.

6 COURTROOM DEPUTY: Count Five.

7 Machine gun or destructive device conspiracy; how do

8 you find the defendant? Guilty

9 Juror No. 37, is that your verdict?

10 THE JUROR: Yes.

11 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

12 THE JUROR: Yes.

13 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

14 THE JUROR: Yes.

15 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

16 THE JUROR: Yes.

17 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

18 THE JUROR: Yes.

19 COURTROOM DEPUTY: Juror No. Four, is that your

20 verdict?

21 THE JUROR: Yes.

22 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

23 THE JUROR: Yes.

24 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

25 THE JUROR: Yes.

1 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

2 THE JUROR: Yes.

3 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

4 THE JUROR: Yes.

5 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

6 THE JUROR: Yes.

7 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

8 THE JUROR: Yes.

9 COURTROOM DEPUTY: Special Interrogatory on Count
10 Five.

11 Your finding under Count Five involve a machine gun?

12 Yes.

13 Juror No. 37, is that your verdict?

14 THE JUROR: Yes.

15 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

16 THE JUROR: Yes.

17 COURTROOM DEPUTY: Juror Nor. 35, is that your
18 verdict?

19 THE JUROR: Yes.

20 COURTROOM DEPUTY: Juror Nor. 49, is that your
21 verdict?

22 THE JUROR: Yes.

23 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

24 THE JUROR: Yes.

25 COURTROOM DEPUTY: Juror No. Four, is that your

1 verdict?

2 THE JUROR: Yes.

3 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

4 THE JUROR: Yes.

5 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

6 THE JUROR: Yes.

7 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

8 THE JUROR: Yes.

9 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

10 THE JUROR: Yes.

11 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

12 THE JUROR: Yes.

13 COURTROOM DEPUTY: Juror Nor. 40, is that your

14 verdict?

15 THE JUROR: Yes.

16 COURTROOM DEPUTY: Second Special Interrogatory on
17 Count Five.

18 Did your finding under Count Five involvement a
19 destructive device? Yes.

20 COURTROOM DEPUTY: Juror Nor. 37, is that your
21 verdict?

22 THE JUROR: Yes.

23 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

24 THE JUROR: Yes.

25 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

1 THE JUROR: Yes.

2 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

3 THE JUROR: Yes.

4 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

5 THE JUROR: Yes.

6 COURTROOM DEPUTY: Juror No. Four, is that your

7 verdict?

8 THE JUROR: Yes.

9 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

10 THE JUROR: Yes.

11 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

12 THE JUROR: Yes.

13 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

14 THE JUROR: Yes.

15 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

16 THE JUROR: Yes.

17 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

18 THE JUROR: Yes.

19 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

20 THE JUROR: Yes.

21 COURTROOM DEPUTY: Making or receiving a contribution

22 of funds goods or services to Hezbollah.

23 How do you find the defendant? Guilty.

24 COURTROOM DEPUTY: Juror No. 37, is that your verdict?

25 THE JUROR: Yes.

1 COURTROOM DEPUTY: Juror No. 41, is that your verdict?
2 THE JUROR: Yes.
3 COURTROOM DEPUTY: Juror No. 35, is that your verdict?
4 THE JUROR: Yes.
5 COURTROOM DEPUTY: Juror No. 49, is that your verdict?
6 THE JUROR: Yes.
7 COURTROOM DEPUTY: Juror NO. 70, is that your verdict?
8 THE JUROR: Yes.
9 COURTROOM DEPUTY: Juror No. Four, is that your
10 verdict?
11 THE JUROR: Yes.
12 COURTROOM DEPUTY: Juror No. 51, is that your verdict?
13 THE JUROR: Yes.
14 COURTROOM DEPUTY: Juror No. 17, is that your verdict?
15 THE JUROR: Yes.
16 COURTROOM DEPUTY: Juror No. 62, is that your verdict?
17 THE JUROR: Yes.
18 COURTROOM DEPUTY: Juror No. 30, is that your verdict?
19 THE JUROR: Yes.
20 COURTROOM DEPUTY: Juror No. 40, is that your verdict?
21 THE JUROR: Yes.
22 COURTROOM DEPUTY: Count Seven.
23 Conspiracy to make or receive a contribution of funds,
24 goods or services to Hezbollah; how do you find the defendant?
25 Guilty.

1 COURTROOM DEPUTY: Juror No. 37, is that your verdict?

2 THE JUROR: Yes.

3 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

4 THE JUROR: Yes.

5 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

6 THE JUROR: Yes.

7 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

8 THE JUROR: Yes.

9 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

10 THE JUROR: Yes.

11 COURTROOM DEPUTY: Juror No. Four, is that your

12 verdict?

13 THE JUROR: Yes.

14 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

15 THE JUROR: Yes.

16 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

17 THE JUROR: Yes.

18 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

19 THE JUROR: Yes.

20 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

21 THE JUROR: Yes.

22 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

23 THE JUROR: Yes.

24 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

25 THE JUROR: Yes.

1 COURTROOM DEPUTY: Count Eight.
2 Naturalization fraud; how do you find the defendant?
3 Guilty.
4 Juror No. 37, is that your verdict?
5 THE JUROR: Yes.
6 COURTROOM DEPUTY: Juror No. 41, is that your verdict?
7 THE JUROR: Yes.
8 COURTROOM DEPUTY: Juror No. 35, is that your verdict?
9 THE JUROR: Yes.
10 COURTROOM DEPUTY: Juror No. 49, is that your verdict?
11 THE JUROR: Yes.
12 COURTROOM DEPUTY: Juror No. 70, is that your verdict?
13 THE JUROR: Yes.
14 COURTROOM DEPUTY: Juror No. Four, is that your
15 verdict?
16 THE JUROR: Yes.
17 COURTROOM DEPUTY: Juror No. 51, is that your verdict?
18 THE JUROR: Yes.
19 COURTROOM DEPUTY: Juror No. 17, is that your verdict?
20 THE JUROR: Yes.
21 COURTROOM DEPUTY: Juror No. 62, is that your verdict?
22 THE JUROR: Yes.
23 COURTROOM DEPUTY: Juror No. 30, is that your verdict?
24 THE JUROR: Yes.
25 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

1 THE JUROR: Yes.

2 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

3 THE JUROR: Yes.

4 COURTROOM DEPUTY: Special Interrogatory on Count
5 Eight.

6 Was Count Eight committed to facilitate an act of
7 international terrorism? Yes.

8 COURTROOM DEPUTY: Juror No. 37, is that your verdict?

9 THE JUROR: Yes.

10 COURTROOM DEPUTY: Juror No. 41, is that your verdict?

11 THE JUROR: Yes.

12 COURTROOM DEPUTY: Juror No. 35, is that your verdict?

13 THE JUROR: Yes.

14 COURTROOM DEPUTY: Juror No. 49, is that your verdict?

15 THE JUROR: Yes.

16 COURTROOM DEPUTY: Juror No. 70, is that your verdict?

17 THE JUROR: Yes.

18 COURTROOM DEPUTY: Juror No. Four, is that your
19 verdict?

20 THE JUROR: Yes.

21 COURTROOM DEPUTY: Juror No. 51, is that your verdict?

22 THE JUROR: Yes.

23 COURTROOM DEPUTY: Juror No. 17, is that your verdict?

24 THE JUROR: Yes.

25 COURTROOM DEPUTY: Juror No. 62, is that your verdict?

1 THE JUROR: Yes.

2 COURTROOM DEPUTY: Juror No. 30, is that your verdict?

3 THE JUROR: Yes.

4 COURTROOM DEPUTY: Juror No. 50, is that your verdict?

5 THE JUROR: Yes.

6 COURTROOM DEPUTY: Juror No. 40, is that your verdict?

7 THE JUROR: Yes.

8 THE COURT: Thank you, Ms. Jones.

9 Is there anything from either counsel before I
10 discharge the jury?

11 MR. SCHACHT: Nothing from me.

12 Thank you, your Honor.

13 MS. HOULE: No. Thank you, your Honor.

14 THE COURT: Jury, thank you very much for a job well
15 done.

16 You've reached a verdict. It doesn't matter to me
17 whether the verdict is guilty or not guilty as long as you
18 reach a verdict and you've done so after careful consideration.
19 You have been attentive throughout the trial and you should be
20 proud of yourselves as participants for providing equal justice
21 under the law.

22 One of my famous colleagues used to say, one should
23 not thank the jury because that's the job of the jurors. But I
24 think when you do a job well you should be thanked, not only
25 for volunteering but also for doing a job that you are required

1 to do. So, I thank you.

2 Ms. Jones will give you further instruction and thank
3 you again.

4 (Jury dismissed)

5 THE COURT: Be seated, everyone.

6 Under Rules 29 for a judgment of acquittal and 33 for
7 a new trial, defendants have 14 days within which to make such
8 a motion. That's May 30.

9 So, yes.

10 MR. SCHACHT: I'll file a motion.

11 Thank you, your Honor.

12 THE COURT: OK. So, I will suggest if you wish, that
13 you file a motion and take a longer time for supporting papers.
14 The 14-day requirement may be jurisdictional so you don't want
15 to waive that.

16 MR. SCHACHT: I appreciate that.

17 Thank you, your Honor.

18 THE COURT: How much more time should you take?

19 MR. SCHACHT: I think I could file the motion, could I
20 have until the end of June?

21 THE COURT: June 14.

22 MR. SCHACHT: June 14, you said?

23 THE COURT: Yes.

24 MR. SCHACHT: That's fine. Thank you.

25 THE COURT: I don't think if the government needs to

1 oppose I'll ask for it but otherwise --

2 What is it, Ms. Houle?

3 MS. HOULE: Your Honor, perhaps, we could just set a
4 date three weeks out from when Mr. Schact files his motion for
5 the government to put in a response.

6 THE COURT: Ask me that again.

7 MS. HOULE: Perhaps, we could set a date three weeks
8 out from when Mr. Schact files his brief.

9 THE COURT: Sure. That comes out to July 4. So, why
10 don't I give you to July 9.

11 MS. HOULE: Thank you, your Honor.

12 THE COURT: Is there anything else, Ms. Houle?

13 MS. HOULE: Is your Honor prepared to set a sentencing
14 date? Thank you.

15 THE COURT: Sentencing will occur on Friday,
16 September 27.

17 Mr. Schact, can you come up please.

18 I don't need it on the record.

19 (Discussion held of the record).

20 THE COURT: Sentencing will occur on Friday,
21 September 27 at 11 o'clock.

22 Shall I, Mr. Schact, dispense with the practice of
23 interviewing your client? There may be things that need to be
24 come out. Let me just forget about that and of course he'll be
25 pleading the Fifth Amendment.

1 MR. SCHACHT: You are talking about the probation
2 interview?

3 THE COURT: Yes.

4 MR. SCHACHT: Well, no. I would like for him to be
5 interviewed by probation and for me to be present. I just may
6 not have him answer every question.

7 THE COURT: No. I understand. So probation shall
8 give Mr. Schact notice of any interview that's taken of
9 Mr. Kourani and I think that's it.

10 Anything else, Ms. Houle?

11 MS. HOULE: No. Thank you, your Honor.

12 THE COURT: Mr. Schact.

13 MR. SCHACHT: No. Thank you, judge.

14 THE COURT: I want to thank both counsel for a job
15 well done. It's been a trial that could have had many, many
16 complications. I don't think they would have changed the
17 result and it's pleasant to work with competent counsel who
18 know what they have to do and do it well and I speak both for
19 Mr. Schact and Mr. Bove and Ms. Houle, and are civil
20 throughout.

21 So, thank you.

22 MS. HOULE: Thank you, your Honor.

23 MR. SCHACHT: Thank you.

24 THE COURT: Mr. Kourani, I don't know what the future
25 will hold. I hope this experience -- I think rather than say

1 anything, it's better not to say anything.

2 We're finished.

3 (Adjourned)